

DISTRICT COURT (THIRD DISTRICT : SALT LAKE COUNTY) [1688]

ADOPTION RECORD BOOKS, 1884-1917

2.4 cu. ft. (4 vols.), and 2 reels microfilm

DESCRIPTION: In March of 1884, the Utah Territorial legislature enacted provisions for the adoption of children. Prior to that date there were provisions for indenturing children and for assigning guardians in the case of deceased parents, but none for formal adoption. These record books provide a copy of the probate court proceedings in individual adoption cases in Salt Lake County from 1884 to 1917.

Entries for a typical case include signed statements of the natural parents, the adoptive parents, the witnesses, and the child if of sufficient age. The parents or other persons having control over the child were required to voluntarily relinquish all right to custody and control of the child and all claim to the services and wages of the child. The person desiring to adopt the child was also to make a written statement that he or she was voluntarily adopting the child and could stipulate that the child receive the legal status, including inheritance rights, of a natural child. In the case of married couples, both husband and wife had to agree in order to give a child for adoption, or to adopt a child. If the child was over the age of fourteen, the child's consent was also required. All statements were made in the presence of two witnesses and before the probate judge. The statements at times record some family particulars including date of birth of child; legitimacy, abandonment, death of one of the parents, divorce, or other factors in the adoption; age of adoptive parents; etc.

After public notice was made, a hearing was held at which the judge decreed the adoption, provided that the judge determined that such adoption was in the best interest of the child. The judge's findings of fact and decree of adoption are also recorded, noting the child's new name, which might involve a change of given name as well as surname.

With statehood in 1896, jurisdiction in adoption cases passed to the district court. The

procedure remained basically the same, although particulars were refined. The child's consent was necessary if twelve. The parents had to be 10 years older than the child. Provisions were also made for the adoption of deserted children, and the services and wages clause was dropped. Following adoption, the child assumed the surname of the adoptive parents and received the legal status, including inheritance rights, of a natural child. The natural parents continued to forfeit all rights.

These separate record books end in 1917. Thereafter, the records were kept as part of the general SALT LAKE COUNTY PROBATE RECORD BOOKS of the Third District Court. At times, the record books will note that the case is also recorded in another register; this refers to the ESTATE REGISTERS.

ARRANGEMENT: Volumes are chronological by date of initial case entries, and are labelled alphabetically.

RELATED RECORDS: After 1917, equivalent adoption records were kept as part of the SALT LAKE COUNTY PROBATE RECORD BOOKS, Series 3372, of the Third District Court. The Salt Lake County Probate Court kept CASE FILES on adoptions during the territorial period; the Third District Court Probate Division kept CASE FILES thereafter. The ESTATE REGISTERS, Series 3927, act as a docket, recording dates of activities, filings, and orders.

CUSTODY HISTORY: The Salt Lake County Probate Court initially had jurisdiction in adoption cases and started this series of record books. At statehood in 1896 the probate court was abolished, and jurisdiction passed to the Probate Division of the Third District Court in and for Salt Lake County. Entries continued to made in the same volumes.

ACCESS RESTRICTIONS: Confidential. Permission to use the records must be obtained from the agency.

PROCESSING NOTE: These volumes were scheduled for destruction following filming in 1968. The archives filmed the volumes in 1982, but the volumes were never discarded. Archival processing completed by A.C. Cone in 1989.

CONTAINER LIST

Reel	Box	Description
1	1	Vol. A, July 15, 1884-Feb. 14, 1902
1	2	Vol. B, Mar. 4, 1902-Nov. 23, 1909
1	3	Vol. C, Dec. 1, 1909-July 21, 1913
2	3	Vol. C, July 21, 1913-Nov. 12, 1914

Reel	Box	Description
2	3	Vol. D, Oct. 9, 1914-Oct. 31, 1917